

IN RE: PETITION FOR ZONING VARIANCE  
NE/Corner Sutton Avenue and  
South Street  
(1833 Sutton Avenue)  
13th Election District  
1st Councilmanic District  
Jesse A. Kincaid  
Petitioner

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 89-5-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a rear yard setback of 15 feet in lieu of the required 30 feet for proposed Lot 1 and a front yard setback of 20.5 feet in lieu of the required 25 feet for proposed Lot 2, as more particularly described in Petitioner's Exhibit 1.

The Petitioner appeared and testified. Also appearing on behalf of the Petitioner was Frank Lee, property line surveyor. There were no Protestants.

Testimony indicated that the subject property, known as 1833 Sutton Avenue, is zoned D.R. 5.5 and is improved with an existing older dwelling in which the Petitioner has resided for the past 13 years. Mr. Kincaid testified that he proposes subdividing the property and building a new dwelling on proposed Lot 2 which would be to the rear of the existing property facing Centre Street. Mr. Kincaid testified that without the requested variances he will be unable to build a new home and that a denial of same would result in practical difficulty upon him and his family.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record

that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10th day of July, 1988 that the Petition for Zoning Variance to permit a rear yard setback of 15 feet in lieu of the required 30 feet for proposed Lot 1 and a front yard setback of 20.5 feet in lieu of the required 25 feet for proposed Lot 2, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

AMN:bjs

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

J. Robert Haines  
Zoning Commissioner

July 21, 1988

Mr. Jesse Kincaid  
1833 Sutton Avenue  
Baltimore, Maryland 21227

RE: PETITION FOR ZONING VARIANCE  
NE/Corner Sutton Avenue and South Street  
13th Election District; 1st Councilmanic District  
Case No. 89-5-A

Dear Mr. Kincaid:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

AMN:bjs  
Enclosure  
cc: People's Counsel

File

"DUPLICATE"  
CERTIFICATE OF PUBLICATION

TOWSON, MD., June 23, 1988  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on June 23, 1988.

THE JEFFERSONIAN,

S. Zate Orlan  
Publisher

37.50

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:  
Petition for Zoning Variance  
Case number: 89-5-A  
NE/Corner Sutton Avenue and South Street (1833 Sutton Avenue)  
13th Election District - 1st Councilmanic District  
Petitioner(s): Jesse A. Kincaid, et ux  
Hearing Date: Friday, July 15, 1988 at 2:00 p.m.  
Variance to permit a rear yard setback of 15 feet in lieu of the required 30 feet for proposed Lot 1 and a front yard setback of 20.5 feet in lieu of the required 25 feet for proposed Lot 2.  
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of and permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing or before or presented at the hearing.  
J. ROBERT HAINES  
Zoning Commissioner of Baltimore County  
6/23 June 23, 1988

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

J. Robert Haines  
Zoning Commissioner

June 2, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance  
CASE NUMBER: 89-5-A  
NE/Corner Sutton Avenue and South Street  
(1833 Sutton Avenue)  
13th Election District - 1st Councilmanic District  
Petitioner(s): Jesse A. Kincaid, et ux  
HEARING SCHEDULED: FRIDAY, JULY 15, 1988 at 2:00 p.m.

VARIANCE to permit a rear yard setback of 15 feet in lieu of the required 30 feet for proposed Lot 1 and a front yard setback of 20.5 feet in lieu of the required 25 feet for proposed Lot 2.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES  
Zoning Commissioner of Baltimore County

cc: Jesse A. Kincaid, et ux  
File

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

J. Robert Haines  
Zoning Commissioner

Date: July 8, 1988

Mr. & Mrs. Jesse A. Kincaid  
1833 Sutton Avenue  
Baltimore, Maryland 21227

Re: Petition for Zoning Variance  
CASE NUMBER: 89-5-A  
NE/Corner Sutton Avenue and South Street  
(1833 Sutton Avenue)  
13th Election District - 1st Councilmanic District  
Petitioner(s): Jesse A. Kincaid, et ux  
HEARING SCHEDULED: FRIDAY, JULY 15, 1988 at 2:00 p.m.

Dear Mr. & Mrs. Kincaid:

Please be advised that \$72.85 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 52943

DATE: 7/15/88 ACCOUNT: 01-415-2000

AMOUNT: \$ 72.85

RECEIVED FROM: Jesse A. Kincaid

FOR: Dotting & Odu

8 18123\*\*\*\*\*7285: 8153F 89-5-A

VALIDATION OR SIGNATURE OF CASHIER

Yours,  
Haines  
Zoning Commissioner of Baltimore County

PETITION FOR ZONING VARIANCE  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-5-A

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.16.1 of the Baltimore County Zoning Regulations to allow a rear yard setback of 15 feet in lieu of the required 30 feet for proposed Lot 1 and a front yard setback of 20.5 feet in lieu of the required 25 feet for proposed Lot 2.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

- Lot 1 - Rear yard setback of 15 ft. due to existing house and proposed lot size.  
Lot 2 - Setback of 20.50 ft. because of setbacks and house size.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, do solemnly declare and affirm, under the penalties of perjury, that I, or we, are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: (Type or Print Name)  
Signature  
Address  
City and State

Legal Owner(s):  
(Type or Print Name)  
Signature  
(Type or Print Name)  
Signature  
Address  
City and State

Attorney for Petitioner:  
(Type or Print Name)  
Signature  
Address  
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Name

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 50529

DATE: 4/6/88 ACCOUNT: 01-415

AMOUNT: \$ 35.00

RECEIVED FROM: Jesse A. Kincaid

FOR: Frank S. Lee - Variance

8 B 011\*\*\*\*\*3500: 0210F

VALIDATION OR SIGNATURE OF CASHIER

Phone No. 4th day  
of this petition be advertised, as per general circulation through-out Baltimore County, Baltimore, 19.00, at 2 o'clock

Commissioner of Baltimore County.

FRANK S. LEE

Registered Land Surveyor  
1277 NEIGHBORS AVE. - BALTIMORE, MD. 21237

April 7, 1988

No. 1833 Sutton Avenue  
13th District Baltimore County, Maryland

Beginning for the same at the northeast corner of Sutton Avenue and South Street, thence running and binding on the northeast side of Sutton Avenue North 38 degrees 42 minutes West 80 feet, thence leaving Sutton Avenue and running North 51 degrees 18 minutes East 181.91 feet to the southwest side of Centre Street, thence running and binding on the southwest side thereof South 12 degrees 15 minutes East 89.50 feet to the northwest side of South Street, and thence running and binding on the northwest side thereof South 51 degrees 18 minutes West 142.04 feet to the place of beginning.

Containing 12,958 square feet of land more or less.



